

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
October 4, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on October 4, 2007 and was called to order by Mayor John E. Ekdahl at 7:32 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

MOTION TO CHANGE THE ORDER OF BUSINESS IN ORDER TO PRESENT A PROCLAMATION TO THE MEMBERS OF THE RUMSON FIRE DEPARTMENT, RUMSON FIRST AID SQUAD AND THE RUMSON POLICE DEPARTMENT FOR THEIR ASSISTANCE IN FIGHTING THE MAJOR FIRE AT THE FOUNTAINS CONDOMINIUMS IN SEA BRIGHT ON FEBRUARY 5, 2007:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the regular Order of Business was changed to present a Proclamation to the members of the Rumson Fire Department (Oceanic Hook & Ladder Company No. 1 and Rumson Fire Company), the Rumson First Aid Squad and the Rumson Police Department for their assistance in fighting the major fire at the Fountains Condominiums in Sea Bright on February 5, 2007. All in favor.

PRESENTATION OF PROCLAMATION APPROVED AT THE SEPTEMBER 20, 2007 COUNCIL MEETING:

The Municipal Clerk/Administrator read the following Proclamation that was approved at a regular meeting of the Borough Council on September 20, 2007:

***PROCLAMATION
OF
THE BOROUGH OF RUMSON***

WHEREAS, on February 5, 2007 at 5:30 a.m. a fire broke out in Building B of the Fountains Condominium in neighboring Borough of Sea Bright, New Jersey; and

WHEREAS, in below freezing temperatures with winds gusting at twenty to twenty-five miles per hour, the volunteers of the Rumson Fire Department—Rumson Fire Company and Oceanic Hook & Ladder Company No. 1—the volunteers of Rumson First Aid Squad and the members of the Rumson Police Department assisted Sea Bright and other departments serving under a Mutual Aid Agreement to fight this major structural fire; and

WHEREAS, were it not for the quick response of the Rumson Fire Department and other fire departments that responded to the call, more structures could have been lost; and

WHEREAS, the members of the Rumson Fire Department, the Rumson First Aid Squad and the Rumson Police Department are dedicated to preserving the quality of life, property and environment through education, leadership, partnerships and effective response to emergencies; and

WHEREAS, these fine men and women have given our community exemplary service while providing a safe environment for the citizens of the Borough of Rumson, as well as neighboring communities;

NOW, THEREFORE, the Borough Council of the Borough of Rumson does hereby proclaim and recognize with great pride Rumson Fire Company, Oceanic Hook & Ladder Company No. 1, Rumson First Aid Squad and Rumson Police Department for their service and dedication.

BE IT FURTHER RESOLVED THAT a copy of this Proclamation will be presented to each of the above entities on behalf of all the members of the Council, as well as the residents of Rumson, with gratitude and appreciation.

The above Proclamation was unanimously passed by the members of the Borough Council of the Borough of Rumson at a regular meeting of the Borough Council on September 20, 2007.

Mayor Ekdahl called Fire Chief James Fenn of Oceanic Hook & Ladder Company No. 1 to come forward to accept the Proclamation on behalf of the firefighters who assisted at the February 5, 2007 fire in Sea Bright.

Chief Fenn accepted the Proclamation and presented the officers and firefighters of the Fire Department and patrolman and dispatchers of the Police Department with service award pins and also presented certificates of recognition to the members of the Rumson First Aid Squad. Chief Fenn, on behalf of the Rumson Fire Department, presented unit citation plaques to the Rumson Fire Company, Oceanic Hook & Ladder Company No. 1 and the Rumson First Aid Squad, in recognition

of the volunteers who fought a very difficult fire under extreme weather conditions and provided medical transport and support.

Chief Fenn thanked the Mayor and members of the Borough Council for the Proclamation and their time.

Mayor Ekdahl, on behalf of the Borough Council and the residents of Rumson, thanked Chief Fenn and the volunteers for their dedicated service to the Borough.

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS:

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the meeting returned to the regular Order of Business. All in favor.

COMMUNICATIONS:

LETTER FROM GREGORY S. BLASH OF LEON S. AVAKIAN, INC., BOROUGH ENGINEER ON THE VICTORY PARK SPRINKLER PROJECT, ADVISING THAT THE BIDS RECEIVED ON SEPTEMBER 18, 2007 FOR THE SPRINKLER PROJECT AT VICTORY PARK SHOULD BE REJECTED AND THAT THE BOROUGH RE-SOLICIT BIDS FOR THE PROJECT:

The Municipal Clerk/Administrator advised of a letter dated October 2, 2007 from Gregory S. Blash, P.E., Borough Engineer for the Victory Park Sprinkler System Project, recommending that the Borough reject the bids received for the project on September 18, 2007. There had only been two bids, which Mr. Blash believed "was not enough competition to provide prices that favor the Borough and not the contractors." Mr. Blash further recommended that the project be re-bid over the winter months for an early spring construction.

On motion by Councilman Kammerer, seconded by Councilman Hemphill, this communication was ordered received and the rejection of the bids was approved on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

CONSENT AGENDA:

LETTER FROM A.D. MARBLE & COMPANY ON BEHALF OF NICHOLAS ADAMSON ENCLOSING AN APPLICATION TO THE STATE D.E.P. DIVISION OF LAND USE REGULATION FOR AN INDIVIDUAL TRANSITION AREA WAIVER AND STREAM ENCROACHMENT PERMIT FOR PROPERTY LOCATED AT 26 OSPREY LANE FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOUSE AND RELOCATION OF AN EXISTING SINGLE-FAMILY HOUSE:

The Municipal Clerk/Administrator advised of a letter from A.D. Marble & Company on behalf of Nicholas Adamson, 26 Osprey Lane. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for an Individual Transition Area Waiver and Stream Encroachment Permit for the construction of single-family house and relocation of an existing single-family house.

LETTER FROM THE STATE D.E.P. DIVISION OF LAND USE REGULATION ADVISING OF THE APPROVAL OF THE FRESHWATER WETLANDS STATEWIDE GENERAL PERMIT NO. 8, WATER QUALITY CERTIFICATION AND WAIVER OF TRANSITION AREA FOR ACCESS FOR DANIEL AND CHRISTINE SULLIVAN FOR PROPERTY LOCATED AT 180 BINGHAM AVENUE FOR THE CONSTRUCTION OF A STONE TERRACED RETAINING WALL AND PLACEMENT OF FILL:

The Municipal Clerk/Administrator advised of a letter received from the State of New Jersey Department of Environmental Protection Division of Land Use Regulations advising of the approval of the Freshwater Wetlands Statewide General Permit No. 8, Water Quality Certification and Waiver of Transition Area for Access for Daniel and Christine Sullivan for property located at 180 Bingham Avenue for the construction of a stone terraced retaining wall and placement of fill.

LETTER FROM THE STATE D.E.P. DIVISION OF LAND USE REGULATION ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT PERMIT MODIFICATION FOR WILLIAM TRANTER AND JANET GILLESPIE FOR PROPERTY LOCATED AT 93 WATERMAN AVENUE ALLOWING FOR THE LEGALIZATION OF AN EXISTING WOOD DOCK AND CONSTRUCTION OF A BOATLIFT BUT ADVISING THAT THE RECREATIONAL DOCK AND BOATLIFT ARE NO LONGER PERMITTED:

The Municipal Clerk/Administrator advised of a letter received from the State of New Jersey Department of Environmental Protection Division of Land Use Regulations advising of the approval of the Waterfront Development Permit Modification for William Tranter and Janet Gillespie for property located at 93 Waterman Avenue allowing for the legalization of an existing wood dock and construction of a boatlift but advising that the recreational dock and boatlift are no longer permitted.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, the above three communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE TO AMEND THE TRAFFIC ORDINANCE FOR COMMERCIAL TRUCK PARKING. PUBLIC MEETING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

07-014 G

AN ORDINANCE TO AMEND THE CODE

OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER VII, TRAFFIC

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Kammerer, seconded by Councilman Rubin, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Kammerer, seconded by Councilwoman DeVoe, the public hearing on this ordinance was declared closed. All in favor.

Councilman Kammerer moved the adoption of this ordinance in final reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

NEW BUSINESS:

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2007 BOROUGH BUDGET FOR THE DEPARTMENT OF HOMELAND SECURITY, FEMA NATIONAL PREPAREDNESS DIRECTORATE UNDER THE CAPTION OF FY 2007 ASSISTANCE TO THE FIREFIGHTERS GRANT IN THE AMOUNT OF \$133,000.00:

The Municipal Clerk/Administrator advised that the grant was due to the hard work of two Borough firefighters, Paul Halligan and Scott Servilla, and that the funds were to be used to replace the Department's breathing apparatus.

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL
ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF
RUMSON PURSUANT TO N.J.S.A. 40A:4-87
(CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rumson hereby requests the Director of the Division of Local Finance approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$133,000.00, which item is now available as a revenue from the Department of Homeland Security, FEMA National Preparedness Directorate, pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$133,000.00 be and same is hereby appropriated under the caption of FY 2007 Assistance to Firefighters Grant; and

BE IT FURTHER RESOLVED that the sum of \$7,000.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the 2007 Capital Budget as amended on August 2, 2007.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2007 BOROUGH BUDGET AVAILABLE FROM THE BOROUGH OF FAIR HAVEN UNDER THE INTERLOCAL SERVICE AGREEMENT FOR THE SHARED CONSTRUCTION OFFICE IN THE AMOUNT OF \$16,093:

The Municipal Clerk/Administrator advised that the amount was prorated for the number of months in 2007 that is to be covered by the Interlocal Shared Service Agreement for the Shared Construction Office with Fair Haven.

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION REQUESTING APPROVAL OF ITEMS
OF REVENUE AND APPROPRIATION N.J.S. 40A:4-87**

WHEREAS, N.J.S. 40A:40-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$16,093.00, which is now available from the Borough of Fair Haven, through a Shared Services Agreement for a Shared Construction Office, in the amount of \$16,093.00; and

BE IT FURTHER RESOLVED that a sum of \$4,875.00 is hereby appropriated under the caption “Fair Haven Shared Service Agreement – Administrative Other Expenses;” and

BE IT FURTHER RESOLVED that a sum of \$11,218.00 is hereby appropriated under the caption “Fair Haven Share Service Agreement – Salary & Wages;” and

BE IT FURTHER RESOLVED that the above is the result of an Interlocal Service Agreement with the Borough of Fair Haven.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO APPOINT FINANCE ASSISTANT MARIE KUHLETHAU AND
PAYROLL CLERK HOPE RICHARDSON:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION FIXING SALARIES OF CERTAIN
BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES**

WHEREAS, an ordinance entitled “AN ORDINANCE FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON, NEW JERSEY” has been adopted following public hearing; and

WHEREAS, said ordinance provides for salary ranges of various job titles and positions; and

WHEREAS, it is the intention of the Mayor and Council to fix the salaries of those individuals who hold such positions;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the salaries of the officers and employees holding the positions set forth below, and subject to the salary ranges set forth in the aforementioned ordinance, are hereby fixed for calendar year 2007 as follows:

<u>TITLE OF POSITION</u>	<u>2007 SALARY</u>
Payroll Clerk (Hope Richardson)	\$ 4,000.00
Finance Assistant (Marie Kuhlthau)	\$30,160.00

BE IT FURTHER RESOLVED that the Payroll Clerk’s salary be retroactive to September 1, 2007 and the Finance Assistant’s salary be retroactive to October 1, 2007.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO APPOINT A SCHOOL CROSSING GUARD:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizens be appointed as Regular School Crossing Guard for 2007:

REGULAR CROSSING GUARDS

Lorraine Oakes
Leolin T. West, III

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO DESIGNATE MUNICIPAL COURT ADMINISTRATOR CAROL ANN DICE TO BE AUTHORIZED TO SIGN CHECKS FOR THE BOROUGH OF RUMSON MUNICIPAL COURT:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that until otherwise changed all checks for the Rumson Municipal Court are authorized to be signed by Municipal Court Administrator Carol Ann Dice in the absence of Municipal Judge Richard B. Thompson.

BE IT FURTHER RESOLVED that certified copies of this resolution be forthwith transmitted by the Municipal Clerk to the banking institutions with whom the Borough does its business.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO AUTHORIZE CHANGE ORDER #2 AND FINAL OF THE
BOROUGH'S CONTRACT WITH L & L PAVING CO., INC. FOR THE 2006 CAPITAL
IMPROVEMENT PROGRAM—PHASE I:**

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order No. 2 and Final of the Borough's contract with L & L Paving Co., Inc., 3068 Shafto Road, Tinton Falls, NJ 07753, for the 2006 Capital Improvement Program – Phase I at Various Locations, which change order will reflect a decrease of \$3,095.00. Said change order was recommended by the Borough Engineer in a letter dated September 13, 2007, a copy of which is on file in the Borough Clerk's office.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO APPOINT MERIDIAN OCCUPATIONAL HEALTH AS THE
BOROUGH SURGEON FOR THE ANNUAL PHYSICALS REQUIRED FOR BOROUGH
POLICE OFFICERS:**

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson is in need of a physician to perform new hire and annual physicals on police officers; and

WHEREAS, Meridian Occupational Health has the capabilities to perform such physicals; and

WHEREAS, Meridian Occupational Health has two convenient locations for the physicals at 241 Monmouth Road, West Long Branch and 100 Commons Way, Suite 160, Holmdel; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson authorizes the Borough to enter into an Agreement with Meridian Occupational Health for their services to perform physicals on certain Borough employees; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator are hereby authorized to sign the aforementioned Agreement on behalf of the Borough.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION AUTHORIZING THE SALE OF THE 2002 CROWN VICTORIA
FORMERLY USED AS THE ASSISTANT FIRE CHIEF’S CAR TO THE BOROUGH OF
SEA BRIGHT FOR THE SUM OF \$1.00:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson has a 2002 Crown Victoria that had been uses as the Assistant Fire Chief’s car and is no longer used by the Borough; and

WHEREAS, the Borough Administrator has requested that this vehicle be sold; and

WHEREAS, the Borough of Sea Bright Fire Department has requested that they be allowed to purchase the vehicle for the sum of \$1.00;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson authorize the Borough Administrator to sell to the 2002 Crown Victoria to the Borough of Sea Bright for the sum of \$1.00.

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO AUTHORIZE THE REFUND OF A CASH BOND TO DAVID
HENDRICKSON FOR PROPERTY LOCATED AT 37 SECOND STREET:**

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, David Hendrickson posted a \$4,000.00 cash bond for construction of a single-family house and detached garage at 37 Second Street; and

WHEREAS, David Hendrickson has requested a refund of the \$4,000.00 now that the house and garage have been completed; and

WHEREAS, Paul E. Reinhold, Jr., Borough Construction Official, has approved this refund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that David Hendrickson be issued a refund of the \$4,000.00 cash bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO AUTHORIZE THE REFUND OF A TAX OVERPAYMENT ON BLOCK 105, LOT 19 FOR PATRICIA CROCKER:

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION REFUNDING TAX OVERPAYMENT ON BLOCK 105, LOT 19

WHEREAS, as of December 31, 2006, there were delinquent taxes and municipal charges owed on the property located at 16 Riverside Drive, known as Block 105, Lot 19; and

WHEREAS, due to this delinquency the State of NJ sent the NJ Saver Rebate in the amount of \$2,000.00, to the Borough of Rumson, on behalf of the former property owner, Patricia Crocker; and

WHEREAS, the Chief Financial Officer has determined that all delinquencies for this property had been paid at the time of receipt of the NJ Saver Rebate and therefore recommends a refund of the \$2,000.00 to Patricia Crocker;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the \$2,000.00 payment from the State of NJ on behalf of the former property owner be refunded to Patricia Crocker; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO AUTHORIZE THE REFUND OF A TAX OVERPAYMENT ON BLOCK 33, LOT 31 FOR STEVEN AND BETTY GAILBREATH:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION REFUNDING TAX OVERPAYMENT ON BLOCK 33, LOT 31

WHEREAS, the 2007 taxes for the property located at 39 Allen Street, known as Block 33, Lot 31 were overpaid, in the amount of \$1,405.44, by Hewitt Associates, LLC, on behalf of the owners Steven and Betty Gailbreath; and

WHEREAS, Mallary Steinfeld, Attorney for Hewitt Associates, LLC, has requested a refund of the tax overpayment in the amount of \$1,405.44;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the 2007 tax overpayment, in the amount of \$1,405.44 be refunded to Hewitt Associates, LLC, 7901 Stoneridge Drive, Suite 390, Pleasanton, CA 94588-4532; and

BE IT FURTHER REOLVED that the refund check be forwarded to Mallary Steinfeld, Attorney at Law, 18 Bank Street, Morristown, NJ 07960; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

MOTION TO REJECT THE BIDS RECEIVED SEPTEMBER 18, 2007 FOR THE VICTORY PARK SPRINKLER SYSTEM AND TO AUTHORIZE THE BOROUGH TO RE-SOLICIT BIDS FOR THE PROJECT:

Councilwoman DeVoe motioned for the Borough to reject the bids for the sprinkler system at Victory Park that were received on September 18, 2007 and to authorize the Borough to re-solicit bids for the project.

Motion seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

APPOINTMENTS BY THE MAYOR:

APPOINTMENT OF Robert Savoth as Animal Control Officer:

Mayor Ekdahl recommended the appointment of Robert Savoth as Animal Control Officer effective January 1, 2007.

Councilman Shanley moved that this appointment be confirmed. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

APPOINTMENT OF Robert Savoth as Class I Special Police Officer:

Mayor Ekdahl recommended the appointment of Robert Savoth as Class I Special Police Officer effective January 1, 2007.

Councilman Shanley moved that this appointment be confirmed. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following Announcements:

1. Borough Hall will be closed on Monday, October 8th in observance of Columbus Day as in the past. There will be no garbage collection on Monday, October 8th. All those whose garbage day falls on that Monday will have to wait until their next regular collection day.
2. Monmouth County Regional Health Commission #1 will be holding Rumson's Annual Rabies Clinic on Thursday, November 15, 2007 from 7:00 p.m.–8:00 p.m. at the Department of Public Works Garage behind Borough Hall. Watch for the message on the Borough Bulletin Board as the date draws near.

Thank you for your cooperation.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following residents responded:

Mark Warnsman of 47 Forrest Avenue asked if the Mayor and Council had been satisfied with the information and the copy of the petition that was recently sent to them regarding the need for sidewalks on Forrest Avenue and if the Council had received any feedback from the Police Department as to their recommendations.

Mayor Ekdahl stated that the matter certainly had the interest of the Borough Council and that the petition was well thought out; the matter had been referred to the Police Department but no report had been received as yet. The matter had been referred to the Department of Public Works as well for their input on the location and length of the sidewalks and preliminary information had been received from DPW. He stated that this was the status so far, and that, as indicated to the residents at the last Borough Council meeting last month, the 2007 budget had long since been set and that if this project comes to fruition it would be in 2008's budget.

Mr. Warnsman stated that he wanted to be sure that the petition was sufficient proof to the Mayor and Council that the majority of the residents were in favor of the sidewalks on Forrest Avenue.

Mayor Ekdahl said that the investigation into this matter had begun prior to receipt of the petition.

Suzanne Lizotte of 46 Forrest Avenue asked if there was anything that would prevent the sidewalks from being constructed on Forrest Avenue.

Mayor Ekdahl stated that, until the reports were all in from the Police Department (mainly) and the DPW (to a lesser degree), the Council really couldn't comment.

Mr. Warnsman asked what the procedure was for the Council to get the needed information to make the decision.

Mayor Ekdahl stated that typically reports were received in written form and presented before the Council and that they were expected within a month's time.

Mr. Warnsman asked what the role of the DPW was in the process.

Mayor Ekdahl stated that the DPW would be giving their input as to the number of feet involved and which side of the street would be the best location for the sidewalk, but that the Police would be the driving force in deciding if sidewalks were necessary.

In answer to a question by Mr. Warnsman, the Mayor stated that the Borough Engineers would provide the technical data for the placement of the sidewalks.

Mr. Warnsman stated that the residents hoped that all preliminary work would be done prior to 2008 so that the project could be started as soon as possible.

Mayor Ekdahl stated that preliminary work costs money and that it had not been budgeted for in 2007. He added that the engineering could not be done in 2007 and work begin on January 2, 2008; that was not the way the municipal process works.

Mr. Warnsman asked if the preliminary work would be done in 2008 and the actual construction would begin in 2009.

Mayor Ekdahl stated that the Council had begun a process about four years ago to look ahead to the upcoming budgets and that this project had not been included in those projections. The Council would have to prioritize this sidewalk project because there were already several capital projects on the list for 2008; but it might be possible to add it to the list.

Suzanne Lizotte of 46 Forrest Avenue asked if safety was a factor in prioritizing the projects because she felt that the sidewalks should be a priority on the list and that safety was the main factor for the need for Forrest Avenue sidewalks. She added that the increased police presence was appreciated but sidewalks were still necessary.

Mayor Ekdahl stated that there were a number of factors that go into the decision for capital projects for a given budget year and that safety was one of those factors.

Mrs. Lizotte asked, from a budget standpoint, how often the Borough paves the streets.

Mayor Ekdahl stated that the Borough budgets between \$750,000 and \$1,000,000 per year for paving the streets. He added that the year in the late 1960s, early 1970s that the Borough put in the sewer system in the entire town, all the streets were repaved at that time. He said to avoid having to repave all the streets at one time, the Borough started a policy about fifteen (15) years ago of paving a few streets each year; they were prioritized by the Borough Administrator, Borough Engineer and Council Committee as those most in need according to safety.

Mrs. Lizotte stated that the entire length of Forrest Avenue has missing and broken curbs and the road is chewed up in many locations. She said that the street needs to be repaved as well as receive sidewalks and asked why Forrest Avenue was not paved at the same time that Park and Lennox Avenues were done a few years ago.

The Borough Engineer stated that there were major drainage issues for the Forrestdale/Deane-Porter School property and Park and Lennox Avenues and, because of the high cost of the project, Forrest Avenue was not included in that project. He added that the big issue with Forrest Avenue, from an engineering aspect, was that the drain line that passes through Forrest Avenue to the Borough Hall pond had some issues that had to be resolved before a paving project could be done. Some sections of the drainage pipe were substandard or had problems. He stated that it would be a long-range, major project that would require permits and the cost would most likely exceed any one total capital budget. He added that it would not be cost effective to pave the street until decisions were made on the drainage issues.

In answer to a resident's question, the Borough Engineer stated that about seven (7) years ago the Borough had applied for funding through grants but not received any aid. He stated that it was a much bigger issue than just paving the street.

Mayor Ekdahl stated that the Borough would be undertaking a major project on Shrewsbury Drive in 2008, much like that described by the Borough Engineer, which was in worse shape than Forrest Avenue. He added that the Borough could only tackle so many of these projects in any given space of time and that the Shrewsbury Avenue project had been under consideration for a very long time.

The Borough Engineer stated that it had been under consideration for more than twenty-five (25) years.

Lori Oakes of 36 Forrest Avenue asked if Lennox Avenue also had the same drainage issue as Forrest Avenue and if it had been resolved.

The Borough Engineer stated that we were able to do the necessary repairs on a portion of the pipe, as well as sewer repairs, on Lennox Avenue prior to doing the project. He stated that they had started with the western most street and completed the two, Lennox and Park Avenues, with Forrest Avenue being a larger problem that they have been looking at for a few years.

Mrs. Lizotte stated that the sidewalks should be a top priority as shown by the number of people that signed the petition who were residents of Forrest Avenue, as well as East River Road, Narumson Street and Lakeside Avenue, because it is a main thoroughfare to the three schools.

In answer to a question from Mr. Warnsman, Mayor Ekdahl stated that the details were not set but the Council had tried to look forward for the budgeting of capital projects and expenditures for three or four years ahead and space out the high cost projects.

Mr. Warnsman asked if the sidewalk project would be included in the projects to be done.

Mayor Ekdahl stated that no decision would be made until the report had been received from the Police Department.

Mr. Warnsman stated that he wanted to keep the project on track so that it doesn't get pushed out to far into the future.

Mayor Ekdahl stated that it was only October and that the budget was not worked on until after the first of the year, so there was plenty of time to consider the facts and make a decision. He stated that he understood that the Forrest Avenue improvements were the top priority for the residents there but everyone needed to understand that the residents of Shrewsbury Drive feel as strongly about the needs for their street.

Mr. Warnsman stated that his concerns were for a fair hearing and that the Forrest Avenue project "be considered on an equal footing" with the others.

Mayor Ekdahl assured Mr. Warnsman that it would be.

Kathleen Levens of 43 Forrest Avenue stated that this was the first time that she was aware that there was a question about the street being paved and asked if the sidewalk could be done prior paving and not held up until the drainage issue was resolved.

Mayor Ekdahl stated that there was a certain cost effectiveness to doing both projects at the same time, but it didn't mean that they could not be done separately.

Mrs. Levens asked, hypothetically, if the sidewalks could be done first and then the issue of the street resolved at a later date.

The Mayor stated, hypothetically, that could be true; he added that we prefer to do the projects at the same time but it didn't have to be done that way.

In response to a statement by Mrs. Lizotte, Councilman DeVoe stated that the projects were being handled as quickly as they could be and were being considered in the order in which they have to be dealt.

Mrs. Lizotte stated that Forrest Avenue was the main thoroughfare to the schools and should take priority for getting sidewalks.

Councilwoman DeVoe stated that there were other thoroughfares to the schools and that both Park and Lennox Avenues feed into Narumson Street which borders the Deane-Porter/Forrestdale School property.

Mr. Warnsman stated that we needed the feedback from the Police Department and DPW so a decision could be made.

Mayor Ekdahl stated that the Borough Council planned to do just that.

Mrs. Lizotte asked who the decision maker was at the Police Department.

Mayor Ekdahl stated that the decision was up to Police Chief Richard Tobias and Traffic Coordinator Sgt. Robert Boyer.

Mrs. Lizotte stated that she had to commend the Police and DPW on their immediate response to a sign that needed to be replaced and that it was done within an hour of her request (and they also put up a "Children at Play" sign).

Sally Williams of 9 Forrest Avenue stated that this was the first meeting that she had attended to hear the discussion of the Forrest Avenue sidewalks. She asked what the issues were that had been discussed at earlier meetings.

Mayor Ekdahl stated that the main issue was that the children were walking in the street to and from school.

Mr. Warnsman stated that there were also a great number of cars parked in the street.

Mrs. Williams stated that she had lived in town for thirty (30) years and had walked to school but was not sure at this point where she stood on the issue.

Councilman Broderick asked Mrs. Williams what has transpired in the past thirty (30) years.

Mrs. Williams stated that she had never had a concern walking to school but did agree that there was presently a concern with speeding on Forrest Avenue. She added that she was at home many days during the time periods that children walk to and from school. She stated that she did not sign the petition because she had not heard both sides of the issue and decided to come to this meeting so she could make an informed decision.

In answer to a question from the Council, Mrs. Williams stated that there probably were more cars now because the sizes of the houses had increased, the number of cars per family had increased, the amount of traffic seemed to be greater and there were more construction vehicles.

When the issue of insufficient lighting on the street was brought up by a resident, Mayor Ekdahl stated that we didn't want to take on too many issues at one time and that we should concentrate on the matter at hand. He stated that the Council had the input of the residents, knew the issues, had put out a request to the departments, would be receiving their feedback and the Council would be making their decision at that point. He thanked the residents for their interest and comments.

FINANCIAL OFFICER'S REPORT:

The Municipal Clerk/Administrator advised that there was no Financial Officer's Report to be presented at this meeting.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Kammerer offered the following resolution and moved its adoption:

\$	797,000.00	Borough of Rumson Current Acct
\$	23,041.81	Design Ideas Group
\$	7,400.00	Timothy Kennedy
\$	16,749.51	L & L Paving
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\$	844,191.32	Capital Account
\$	830,778.40	Depository Trust Company
\$	550.20	Action Office Supplies
\$	369.45	Bob's Uniform Shop
\$	35.20	Coffee Man Co Inc
\$	2,000.00	Patricia Crocker
\$	177.60	Custom Tire Associates
\$	170.00	Division of Weights & Measures
\$	352.00	Dunlop and Lisk
\$	161.42	Fair Haven Hardware
\$	32.01	FedEx
\$	274.00	Fit Rite Uniform
\$	85.00	Garden State Highway
\$	313.95	Grainger

\$	1,405.44	Hewitt Associates LLC
\$	81.80	JB Sales and Service
\$	13,663.23	JCP&L
\$	211.30	Kepwell Natural Spring Water
\$	952.00	MGL Printing Solutions
\$	13,482.63	Treasurer County of Monmouth
\$	155.54	Naylor's Inc
\$	11,754.70	New Jersey American Water
\$	150.00	New Jersey State League of
\$	48.00	NJ State League Municipalities
\$	64,047.80	State of NJ Pensions/Active
\$	36,054.07	State of NJ Pensions/ Retiree
\$	569.49	Norwood Auto Parts
\$	171.62	One Call Systems
\$	2,400.00	Oswald
\$	1,791.66	Reusille Mausner Carotenuto
\$	40.00	Rutgers The State University
\$	176.07	Sanitation Equipment Corp
\$	225.00	State Shorthand Reporting Serv
\$	567.05	Stavola Asphalt Co Inc
\$	399.50	T & M Associates
\$	495.00	Targeted Technologies LLC
\$	1,950.56	TCP Petroleum
\$	387,001.75	Two Rivers Water
\$	14.40	Werner Dodge
\$	650.00	West Bergen Enterprises Inc
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\$	1,373,757.84	Current Fund
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\$	400.00	Siciliano Landscape
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\$	400.00	Endowment Inc Account
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\$	208.00	Signs by Tomorrow
\$	87.89	Marianne Velcamp
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\$	295.89	Recreation Account
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\$	10.25	Current Fund Appropriations
\$	1,373,747.59	Current Fund Appropriations
\$	844,191.32	Capital Fund Disbursements
\$	400.00	Endowment Disbursements
\$	295.89	Recreation Disbursements
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\$	2,218,645.05	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded Councilman Rubin, the meeting adjourned at 8:21 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator